

1687

2009-2010 Regular Sessions

I N A S S E M B L Y

January 9, 2009

Introduced by M. of A. V. LOPEZ, SILVER, BING, O'DONNELL, PERRY, ORTIZ, SPANO, POWELL, WRIGHT, KAVANAGH -- Multi-Sponsored by -- M. of A. BROOK-KRASNY, DIAZ, FARRELL, JACOBS, JEFFRIES, ROSENTHAL -- read once and referred to the Committee on Housing

AN ACT to amend the administrative code of the city of New York and the emergency tenant protection act of nineteen seventy-four, in relation to the declaration of emergencies for certain rental housing accommodations

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision a of section 26-504 of the administrative code  
2 of the city of New York is amended to read as follows:  
3 a. Class A multiple dwellings not owned as a cooperative or as a  
4 condominium, except as provided in section three hundred fifty-two-eeee  
5 of the general business law, containing six or more dwelling units  
6 which: (1) were completed after February first, nineteen hundred  
7 forty-seven, except dwelling units (a) owned or leased by, or financed  
8 by loans from, a public agency or public benefit corporation, (b)  
9 subject to rent regulation under the private housing finance law or any  
10 other state law, (c) aided by government insurance under any provision  
11 of the national housing act, to the extent this chapter or any regu-  
12 lation or order issued thereunder is inconsistent therewith, or (d)  
13 located in a building for which a certificate of occupancy is obtained  
14 after March tenth, nineteen hundred sixty-nine[;], or (e) any class A  
15 multiple dwelling which on June first, nineteen hundred sixty-eight was  
16 and still is commonly regarded as a hotel, transient hotel or residen-  
17 tial hotel, and which customarily provides hotel service such as maid  
18 service, furnishing and laundering of linen, telephone and bell boy  
19 service, secretarial or desk service and use and upkeep of furniture and  
20 fixtures, or (f) not occupied by the tenant, not including subtenants or  
21 occupants, as his primary residence, as determined by a court of compe-  
22 tent jurisdiction, provided, however that no action or proceeding shall  
23 be commenced seeking to recover possession on the ground that a housing  
24 accommodation is not occupied by the tenant as his or her primary resi-

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

1 dence unless the owner or lessor shall have given thirty days notice to  
2 the tenant of his or her intention to commence such action or proceeding  
3 on such grounds. For the purposes of this subparagraph where a housing  
4 accommodation is rented to a not-for-profit hospital for residential  
5 use, affiliated subtenants authorized to use such accommodations by such  
6 hospital shall be deemed to be tenants, or (g) became vacant on or after  
7 June thirtieth, nineteen hundred seventy-one, or become vacant, provided  
8 however, that this exemption shall not apply or become effective with  
9 respect to housing accommodations which the commissioner determines or  
10 finds became vacant because the landlord or any person acting on his or  
11 her behalf, with intent to cause the tenant to vacate, engaged in any  
12 course of conduct (including but not limited to, interruption or discon-  
13 tinuance of essential services) which interfered with or disturbed or  
14 was intended to interfere with or disturb the comfort, repose, peace or  
15 quiet of the tenant in his or her use or occupancy of the housing accom-  
16 modations and provided further that any housing accommodations exempted  
17 by this paragraph shall be subject to this law to the extent provided in  
18 subdivision b of this section; or (2) were decontrolled by the city rent  
19 agency pursuant to section 26-414 of this title; or (3) are exempt from  
20 control by virtue of item one, two, six or seven of subparagraph (i) of  
21 paragraph two of subdivision e of section 26-403 of this title; OR (4)  
22 WERE COVERED BY A PROJECT BASED ASSISTANCE CONTRACT PURSUANT TO SECTION  
23 EIGHT OF THE UNITED STATES HOUSING ACT OF 1937 WHICH CONTRACT IS NO  
24 LONGER IN EFFECT, NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (D) OR  
25 (G) OF PARAGRAPH ONE OF THIS SUBDIVISION OR PARAGRAPH FIVE OF SUBDIVI-  
26 SION A OF SECTION FIVE OF THE EMERGENCY TENANT PROTECTION ACT OF NINE-  
27 TEEN SEVENTY-FOUR PROVIDED HOWEVER, THAT ANY DWELLING UNIT WHICH BECOMES  
28 SUBJECT TO THIS LAW PURSUANT TO THIS PARAGRAPH SHALL NOT BE SUBJECT TO  
29 THE PROVISIONS OF SUBDIVISION A OF SECTION 26-513 OF THIS CHAPTER; and

30 S 2. Section 5 of section 4 of chapter 576 of the laws of 1974 consti-  
31 tuting the emergency tenant protection act of nineteen seventy-four is  
32 amended by adding a new subdivision c to read as follows:

33 C. NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH FIVE OF SUBDIVISION A  
34 OF THIS SECTION BUT SUBJECT TO ANY OTHER APPLICABLE EXCEPTIONS IN SUCH  
35 SUBDIVISION, NOTHING SHALL PREVENT THE DECLARATION OF AN EMERGENCY  
36 PURSUANT TO SECTION THREE OF SECTION FOUR OF THIS ACT FOR RENTAL HOUSING  
37 ACCOMMODATIONS LOCATED IN A BUILDING WHICH WAS COVERED BY A PROJECT  
38 BASED ASSISTANCE CONTRACT PURSUANT TO SECTION EIGHT OF THE UNITED STATES  
39 HOUSING ACT OF 1937 WHICH CONTRACT IS NO LONGER IN EFFECT PROVIDED  
40 HOWEVER, THAT ANY HOUSING ACCOMMODATION WHICH BECOMES SUBJECT TO THIS  
41 ACT PURSUANT TO THIS SUBDIVISION SHALL NOT BE SUBJECT TO THE PROVISIONS  
42 OF SUBDIVISION A OF SECTION NINE OF SECTION FOUR OF THIS ACT.

43 S 3. This act shall take effect immediately and shall apply to all  
44 buildings which are covered by a project based assistance contract  
45 pursuant to section eight of the United States housing act of 1937 which  
46 contract ceased to be effective on or after such date; provided, howev-  
47 er, that the amendment to subdivision a of section 26-504 of the admin-  
48 istrative code of the city of New York made by section one of this act  
49 shall not affect the expiration of such section pursuant to section  
50 26-520 of such code and shall expire therewith; and provided, further,  
51 that the amendment to section 5 of the emergency tenant protection act  
52 of nineteen seventy-four made by section two of this act shall not  
53 affect the expiration of such act as provided in section 17 of chapter  
54 576 of the laws of 1974, as amended and shall expire therewith.